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18 UNITED STATES BANKRUPTCY COURT  
19 NORTHERN DISTRICT OF CALIFORNIA  
20 SAN FRANCISCO DIVISION

21 In re  
22 THE ROMAN CATHOLIC ARCHBISHOP  
OF SAN FRANCISCO,

23 Debtor and  
24 Debtor in Possession.  
25

Case No. 23-30564

Chapter 11

**DEBTOR'S FOURTH MOTION FOR  
EXTENSION OF DEADLINE FOR  
REMOVAL OF CIVIL ACTIONS [28 U.S.C.  
§ 1452 AND BANKRUPTCY RULE 9027]**

26 Date: May 8, 2025  
27 Time: 1:30 p.m.  
Location: Via ZoomGov  
28 Judge: Hon. Dennis Montali

1 The Roman Catholic Archbishop of San Francisco, the debtor and debtor in possession  
2 (“RCASF” or “Debtor”) in the above-captioned chapter 11 case (the “Bankruptcy Case”), hereby  
3 files this Fourth Motion for Extension of Deadline for Removal of Civil Actions (the “Motion”)  
4 pursuant to 28 U.S.C. § 1452 of title 11 of the United States Code (the “Bankruptcy Code”) and  
5 Rules 9027 and 9006 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”). The  
6 Debtor requests entry of an order further extending the deadline by which the Debtor may file  
7 notices of removal under Bankruptcy Rule 9027(a) (the “Removal Deadline”) by one hundred and  
8 eighty-five (185) days from May 23, 2025, through and including November 24, 2025. In support  
9 of this Motion, the Debtor relies upon the *Declaration of Joseph J. Passarello in Support of Chapter*  
10 *11 Petition and Debtor’s Emergency Motions* [ECF No. 14] (“Passarello Background Decl.”), the  
11 *Declaration of Paul E. Gaspari in Support of Chapter 11 Petition and Debtor’s Emergency Motions*  
12 [ECF No. 15] (“Gaspari Decl.”), and all exhibits filed in support thereof. A copy of the proposed  
13 order is attached hereto as ***Exhibit 1***. In further support of this Motion, Debtor relies upon the  
14 following points and authorities:

## 15 I. JURISDICTION AND VENUE

16 1. This Court has jurisdiction to consider the Motion pursuant to 28 U.S.C. §§ 157 and  
17 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b). The statutory basis for the relief  
18 requested herein are 28 U.S.C. § 1452 and Bankruptcy Rules 9006(b) and 9027.

19 2. Venue is proper before this Court, pursuant to 28 U.S.C. §§ 1408 and 1409.

## 20 II. BACKGROUND

21 3. On August 21, 2023 (the “Petition Date”), the Debtor commenced with the Court a  
22 voluntary case under chapter 11 of the Bankruptcy Code. [ECF No. 1]. The Debtor continues to  
23 operate its businesses and manage its properties as debtor in possession pursuant to sections 1107(a)  
24 and 1108 of the Bankruptcy Code.

25 4. On September 1, 2023, the Office of the United States Trustee appointed a statutory  
26 committee of unsecured creditors (the “Committee”) in this Bankruptcy Case pursuant to section  
27 1102 of the Bankruptcy Code. [ECF No. 58]. On October 24, 2023, the Court approved the  
28 Committee’s employment of Pachulski Stang Ziehl & Jones LLP as its counsel. [ECF No. 237].

1           5.       The RCASF filed this Bankruptcy Case to reorganize its financial affairs pursuant  
2 to a plan of reorganization that will, among other things, fairly, justly, and equitably compensate  
3 survivors of sexual abuse by clergy or others associated with the RCASF and bring healing to  
4 survivors, parishioners and others affected by past acts of sexual abuse. The RCASF requires the  
5 Bankruptcy Court's protection and the protection of the bankruptcy laws to make fair and equitable  
6 payment on all of the claims against it, including the claims by survivors of abuse, trade creditors,  
7 and others, while continuing its ministries and support it offers to Catholic parishes and  
8 communities. *See* Passarello Background Decl. ¶¶ 60-61.

9           6.       On October 27, 2023, this Court entered its Order Granting Debtor's Motion for  
10 Extension of Deadline for Removal of Civil Actions [28 U.S.C. § 1452 and Bankruptcy Rule 9027]  
11 at ECF No. 253. This order extended the deadline to remove claims or causes of action in a civil  
12 proceeding for one hundred eighty-five (185) days from November 20, 2023, through and including  
13 May 23, 2024.

14           7.       On May 10, 2024, this Court entered its Order Granting Debtor's Second Motion  
15 for Extension of Deadline for Removal of Civil Actions [28 U.S.C. § 1452 and Bankruptcy Rule  
16 9027] at ECF No. 634. This order extended the deadline to remove claims or causes of action in a  
17 civil proceeding for one hundred and eighty (180) days from May 23, 2024, through and including  
18 November 19, 2024.

19           8.       On October 31, 2024, the Court entered its Order Granting Debtor's Third Motion  
20 for Extension of Deadline for Removal of Civil Actions [28 U.S.C. § 1452 and Bankruptcy Rule  
21 9027] at ECF No. 907. This order extended the deadline to remove claims or causes of action in a  
22 civil proceeding for one hundred and eighty-five (185) days from November 19, 2024, through and  
23 including May 23, 2025.

24           9.       On November 21, 2023, this Court entered its Order (1) Fixing Time for Filing Proof  
25 of Claim; (2) Approving Proof of Claim Forms; (3) Providing Confidential Protocols; and (4)  
26 Approving Form and Manner of Notice [ECF No. 337] ("Bar Date Order"), setting February 20,  
27 2024, as the deadline for creditors, including potential Survivor Claimants (as defined in the Bar  
28 Date Order) to file claims against the Debtor. As approved by the Bar Date Order, the Debtor has

1 undertaken an extensive effort to provide notice and to coordinate local, regional, and national  
2 publication of the Bar Date to creditors, survivors, and other parties in interest. The Debtor's  
3 statement and summary of steps taken to comply with the Bar Date Order was filed on April 15,  
4 2024. [ECF No. 587].

5 10. On July 15, 2024, this Court entered its Order Referring Case to Mediation and  
6 Appointing Mediator ("Mediation Order"). [ECF No. 747]. The Mediation Order appointed the  
7 Hon. Daniel J. Buckley (Ret.), Timothy V.P. Gallagher, and the Hon. Christopher S. Sontchi (Ret.)  
8 as mediators (collectively, the "Mediators"). As set forth below, the Debtor has had five in-person  
9 mediation sessions with other mediation sessions scheduled over the next several months. The  
10 Debtor and the Committee agreed to a "standstill agreement" regarding the filing of a chapter 11  
11 plan while mediation continues [ECF No. 999].

### 12 **III. RELIEF REQUESTED**

13 11. By this Motion, the Debtor requests entry of an order extending the current Removal  
14 Deadline of May 23, 2025, by 185 days through and including November 24, 2025, for all matters  
15 encompassed by Bankruptcy Rule 9027(a)(2) and (3), without prejudice to further extensions.

### 16 **IV. BASIS FOR RELIEF REQUESTED**

17 12. As noted in the Gaspari Decl. and Passarello Background Decl., the Debtor is  
18 informed and believes that approximately 537 complaints have been filed in the Joint Coordinated  
19 Proceeding No. 5108 pending in Alameda Superior Court, although the RCASF may not have been  
20 served with all of them yet. The Debtor has filed its Schedules and Statement of Financial Affairs  
21 identifying each of the actions of which the Debtor was aware as of the initial schedules filing date  
22 of September 21, 2023. [See ECF Nos. 152 and 153]. The Debtor may become aware of other  
23 complaints hereafter (such actions, together with any other civil action to which the Debtor is, or  
24 may become, a party, collectively, the "Civil Actions").

25 13. Approximately 541 Survivor Claimants (as defined in the Bar Date Order) have filed  
26 confidential Survivor Claims against the Debtor.

27 14. The Debtor's counsel informed Committee counsel that the Debtor would be filing  
28 this Motion. The Debtor will provide notice of this Motion to the attorneys for each of the litigation

1 counterparties to the Civil Actions (the “Litigation Counterparties”) and will file an affidavit of  
2 service reflecting such service.

3       15.     The RCASF intends to negotiate a plan of reorganization as early as possible which  
4 will: (a) allocate the RCASF’s remaining assets fairly among the legitimate competing interests for  
5 such property; (b) provide a process to fully, fairly and expeditiously liquidate claims of abuse  
6 survivors; and (c) permit the RCASF to carry on the RCASF’s essential ministries and services so  
7 the RCASF can continue to meet the needs of the Non-Debtor Catholic Entities, parishioners, and  
8 others who rely on the RCASF’s ministry, education, and charitable outreach. Passarello  
9 Background Decl. ¶ 63.

10       16.     There have been about 30 or so Catholic Diocese or Archdiocese chapter 11 cases  
11 over the years. Many of those cases follow a similar path involving global mediation with all  
12 parties in interest including the Debtor, the Committee, insurance companies and relevant related  
13 and co-defendant parties.

14       17.     The Debtor has been and continues to work towards the steps that have been  
15 successful in other Catholic Diocese cases for a productive mediation. This includes exchanging  
16 information among the Debtor, Committee, insurers, and related parties; the Debtor and the  
17 Committee working together on the abuse claims noticing and filing procedures (approved by court  
18 order at ECF No. 337); determining a course to stay the litigation against co-defendants, additional  
19 insured parties, and potential contributors to a reorganization plan settlement; selection and  
20 appointment of an unknown claims representative; selection of the mediators (approved by court  
21 order at ECF No. 747); and mediation. The results of the mediation typically form the basis for the  
22 chapter 11 plan of reorganization.

23       18.     Since the Petition Date, the Debtor has worked diligently on these matters, including  
24 the filing and adjudication to interim orders of six “first day” motions, employment of the  
25 professionals needed to administer this Chapter 11 case, entry of the Bar Date Order, and entry of  
26 the Mediation Order.

27       19.     The Debtor’s efforts have also included extensive discovery pursuant to the Court’s  
28 order on the Committee’s Rule 2004 Application [*See* ECF No. 383], and a detailed Stipulated

1 Protective Order [ECF No. 374], which governs the production of records to the Committee in  
2 response to the Committee's discovery requests under the Rule 2004 Application (the "Committee  
3 Discovery Requests") [See ECF No. 374] and the Court's order granting the Committee's additional  
4 *ex parte* application under Bankruptcy Rule 2004 [ECF No. 633].

5 20. The Debtor also has produced documents to the insurers pursuant to their *ex parte*  
6 application under Bankruptcy Rule 2004 [ECF No. 571] and the Court's Order Approving  
7 Stipulation Clarifying Language in Stipulated Protective Order Dated December 15, 2023. [ECF  
8 No. 801]. The Debtor has provided access to discovery to insurers which have executed the  
9 confidentiality agreement pursuant the protective order.

10 21. The Debtor believes that discovery is substantially complete.

11 22. In accordance with the Bar Date Order, the Debtor provided the Committee and  
12 certain Insurers (after review and execution by each of the Claims Confidentiality Agreement  
13 approved by the Bar Date Order) with access to confidential claims filed by Survivor Claimants.

14 23. As set forth above, on July 15, 2024, the Court entered the Mediation Order. [ECF  
15 No. 747]. The Debtor has had five in-person mediation sessions with other mediation sessions  
16 scheduled over the next several months. The Debtor, Committee and Insurers anticipate further  
17 meetings with the Mediators as the mediation process continues. The Debtor and the Committee  
18 have agreed to a "standstill agreement" regarding the filing of a chapter 11 plan while mediation  
19 continues. [ECF No. 999].

20 24. The foregoing along with the ongoing mediation efforts toward a chapter 11 plan  
21 warrant a further extension of the deadline for removal.

## 22 **V. LEGAL BASIS FOR RELIEF REQUESTED**

23 25. Section 1452 of the Judicial Code and Bankruptcy Rule 9027 governs the removal  
24 of pending civil actions related to chapter 11 cases. Bankruptcy Rule 9027 sets forth the time  
25 periods for filing notices to remove claims or causes of action. Bankruptcy Rule 9006(b)(1) permits  
26 the Court to extend the period to remove actions provided by Bankruptcy Rule 9027 "for cause  
27 shown . . . if the request therefor is made before the expiration of the period originally prescribed."

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1           26.     Specifically, section 1452(a) provides:

2                     A party may remove any claim or cause of action in a civil action other than  
3                     a proceeding before the United States Tax Court or a civil action by a  
4                     governmental unit to enforce such governmental unit's police or regulatory  
5                     power, to the district court for the district where such civil action is pending,  
6                     if such district court has jurisdiction of such claim or cause of action under  
7                     section 1334 of this title.

8           27.     Bankruptcy Rule 9027(a)(2) provides, in relevant part:

9                     If the claim or cause of action in a civil action is pending when a bankruptcy  
10                     case is commenced, the notice of removal must be filed within the longest  
11                     of these periods: (A) 90 days after the order for relief in the bankruptcy case;  
12                     (B) if the claim or cause of action has been stayed under § 362, 30 days after  
13                     an order terminating the stay is entered; or (C) in a Chapter 11 case, 30 days  
14                     after a trustee qualifies—but no later than 180 days after the order for relief.

15           28.     With respect to postpetition actions, Bankruptcy Rule 9027(a)(3) provides that a  
16                     notice of removal may be filed within the shorter of these periods:

17                     (A) 30 days after receiving (by service or otherwise) the initial pleading  
18                     setting forth the claim or cause of action sought to be removed; or (B) 30  
19                     days after receiving the summons if the initial pleading has been filed but  
20                     not served with the summons.

21           29.     Under Bankruptcy Rule 9006(b), the Court may extend unexpired time periods,  
22                     such as the Debtor's removal period, with or without notice:

23                     ...the court may—at any time and for cause—extend the time to act if: (A)  
24                     with or without a motion or notice, a request to extend is made before the  
25                     period (or a previously extended period) expires...

26                     Fed. R. Bankr. P. 9006(b).

27           30.     It is well settled that bankruptcy courts may extend, for cause, the removal period  
28                     provided under 28 U.S.C. § 1452 and Bankruptcy Rule 9027. *See Pacor, Inc. v. Higgins*, 743  
29                     F.2d 984, 996 n.17 (3d Cir. 1984) (holding the bankruptcy court's power to grant an extension of  
30                     the removal period pursuant to Bankruptcy Rule 9006(b) is "clear") *overruled on other grounds by*  
31                     *Things Remembered, Inc. v. Petrarca*, 516 U.S. 124 (1995); *see also Caperton v. A.T. Massey Coal*  
32                     *Co., Inc.*, 251 B.R. 322, 325 (S.D. W.Va. 2000) (Bankruptcy Rule 9006 provides authority to  
33                     enlarge time periods for removing actions under Bankruptcy Rule 9027); *Raff v. Gordon*, 58 B.R.  
34                     988, 990 (E.D. Pa. 1986) (an expansion of time to file notices of removal is authorized under the



1 Bankruptcy Rules); *In re Jandous Elec. Constr. Corp.*, 106 B.R. 48, 49 (Bankr. S.D.N.Y. 1989)  
2 (period in which to file motion for removal may be expanded pursuant to Bankruptcy Rule 9006);  
3 *In re World Fin. Servs. Ctr., Inc.*, 81 B.R. 33, 39 (Bankr. S.D. Cal. 1987) (United States Supreme  
4 Court intended to give bankruptcy judges the power to enlarge the filing periods under Bankruptcy  
5 Rule 9027(a) pursuant to Bankruptcy Rule 9006(b)).

6 31. As noted above, the Debtor is party to numerous Civil Actions. Since the filing of  
7 this Chapter 11 Case, the Debtor has focused a substantial amount of its time on issues related to  
8 its operations, the preparation of its schedules and statement of financial affairs, on addressing all  
9 of the issues related to transitioning its affairs to acting as a debtor in possession, and other issues  
10 necessary to move toward productive mediation. Further, the Debtor has made significant progress  
11 to prepare for and participate in mediation. The Debtor has provided documents to the Committee  
12 and Insurers such that discovery is substantially complete, has been assessing the claims filed by  
13 Survivor Claimants, conferring with the Committee and the Insurers regarding the proposed  
14 mediation, has obtained the Mediation Order, and pursuant to such order, the mediation process  
15 has commenced and is ongoing. The Debtor, Committee and Insurers anticipate further meetings  
16 with the Mediators as the mediation process continues.

17 32. Given the substantial progress that has been made and the circumstances of this case,  
18 the Debtor believes it is premature to decide whether it is appropriate to file notices of removal  
19 with respect to the Civil Actions and that the interests of all parties are served by extending the  
20 deadline for removal. Further, removing the large number of pending Civil Actions prior to a  
21 determination of whether removal will benefit the parties is an enormous task that should only be  
22 taken after careful consideration and necessity.

23 33. There is cause to extend the time prescribed under Bankruptcy Rule 9027(a),  
24 through and including November 24, 2025, to protect the Debtor's right to remove any Civil  
25 Actions it may deem appropriate. The extension sought will afford the Debtor a reasonable period  
26 to determine whether to remove any pending Civil Actions and will ensure that the Debtor does not  
27 forfeit valuable rights under 28 U.S.C. 1452 and Bankruptcy Rule 9027 prematurely. Further, the  
28 rights of the Debtor's adversaries will not be prejudiced by such an extension because any party to



1 an action that is removed may seek to have it remanded to the state court from which it came  
2 pursuant to 28 U.S.C. § 1452(b). Moreover, the extension will promote the efficient administration  
3 of the estate given the extraordinary circumstances of hundreds of pending lawsuits, and the effort  
4 to achieve a consensual plan.

5 34. The Debtor further requests that the order approving this Motion be without  
6 prejudice to (a) any position the Debtor may take on whether section 362 of the Bankruptcy Code  
7 stays any given Civil Action pending against the Debtor, and (b) the right of the Debtor to seek  
8 further extensions of the Removal Deadline.

9 35. For the reasons stated above, the Debtor submits that the relief requested herein is  
10 appropriate and in its best interests, as well as in the best interests of its estate and creditors. Other  
11 courts have routinely granted similar requests by debtors for extensions of the removal period. *See,*  
12 *e.g., In re The Roman Catholic Bishop of Santa Rosa*, Case No. 23-10113 (Bankr. N.D. CA Nov.  
13 26, 2024) [ECF No. 995] (fourth extension of removal deadline by additional 182 days); *In re The*  
14 *Roman Catholic Bishop of Oakland*, Case No. 23-40523 (Bankr. N.D. CA March 3, 2025) [ECF  
15 No. 1797] (fourth extension of removal deadline by additional 179 days); *In re PG&E Corporation*  
16 *and Pacific Gas and Electric Company*, Case No. 19-bk-30088-DM (Bankr. N.D. Cal May 29,  
17 2019) [ECF No. 2278] (extending deadline by 182 days); *Roman Catholic Diocese of Harrisburg*,  
18 Case No. 1:20-bk-000599 (Bankr. M.D. Penn.) January 31, 2023 [ECF No. 1508] (10<sup>th</sup> extension  
19 of removal deadline); *The Roman Catholic Diocese of Rockville Centre*, Case No. 20-bk-00599  
20 (Bankr. M.D. Pa. Sept. 18, 2020) [ECF No. 437]; *In re On Marine Sers. Co. LLC*, Case No. 20-  
21 20007 (Bankr. W.D. Pa. March 17, 2020) [ECF No. 107] (extending removal deadline by 120 days);  
22 *In re Wordsworth Acad., et al.*, Case No. 17-14463 (Bankr. E.D. Pa. Oct. 18, 2017) [ECF No. 359]  
23 (extending removal deadline by 125 days); *In re Chaparral Energy, Inc.*, Case No. 16-11144  
24 (Bankr. D. Del. Aug. 15, 2016) [ECF No. 406] (extending removal deadline by 120 days); *In re*  
25 *Cal Dive Int'l.*, Case No. 15-10458 (Bankr. D. Del. June 18, 2015) [ECF No. 494] (same); *In re*  
26 *QCE Fin. LLC*, Case No. 14-10543 (Bankr. D. Del. Feb. 24, 2015) [ECF No. 630] (same); *In re*  
27 *Energy Future Holdings Corp.*, Case No. 14-10979 (Bankr. D. Del. July 16, 2014) [ECF No.

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1590] (extending removal deadline by 180 days); *In re Caribbean Petroleum Corp.*, Case No. 10-12553 (Bankr. D. Del. June 2, 2014) [ECF No. 2086] (extending deadline by 120 days).

WHEREFORE, for the reasons set forth above, the Debtor respectfully requests that this Court enter an order, in substantially the form attached hereto as *Exhibit 1*, granting the relief requested herein and such other and further relief as the Court may deem just and proper.

Dated: April 9, 2025

FELDERSTEIN FITZGERALD WILLOUGHBY  
PASCUZZI & RIOS LLP

By: /s/ Jason E. Rios  
Paul J. Pascuzzi  
Jason E. Rios  
Thomas R. Phinney  
Mikayla E. Kutsuris  
Attorneys for The Roman Catholic Archbishop of  
San Francisco

Dated: April 9, 2025

SHEPPARD, MULLIN, RICHTER & HAMPTON  
LLP

By: /s/ Ori Katz  
Ori Katz  
Alan H. Martin  
Attorneys for The Roman Catholic Archbishop of  
San Francisco

1 **Exhibit 1**

2 **[Proposed Order Extending Time for Removal]**

3 UNITED STATES BANKRUPTCY COURT  
4 NORTHERN DISTRICT OF CALIFORNIA  
5 SAN FRANCISCO DIVISION

6 In re

7 THE ROMAN CATHOLIC ARCHBISHOP  
8 OF SAN FRANCISCO,

9 Debtor and  
10 Debtor in Possession.

Case No. 23-30564

Chapter 11

**[PROPOSED] ORDER GRANTING  
DEBTOR'S FOURTH MOTION FOR  
EXTENSION OF DEADLINE FOR  
REMOVAL OF CIVIL ACTIONS [28 U.S.C.  
§ 1452 AND BANKRUPTCY RULE 9027]**

12 Date: May 8, 2025

13 Time: 1:30 p.m.

Location: Via ZoomGov

14 Judge: Hon. Dennis Montali

15 Upon consideration of the motion (the "Motion") for entry of an order (this "Order")  
16 extending the Removal Deadline by one hundred eighty-five (185) days, without prejudice to the  
17 Debtor's right to seek further extensions of the same, all as more fully set forth in the Motion; and  
18 the Court having found that the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157  
19 and 1334; venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409; this is a core  
20 proceeding pursuant to 28 U.S.C. § 157(b); and the Court having found that the relief requested in  
21 the Motion is in the best interests of the Debtor's estate, its creditors, and other parties in interest;  
22 and it appearing that notice of the Motion and the opportunity for a hearing on the Motion was  
23 appropriate under the particular circumstances; and good cause appearing therefor;

24 **IT IS HEREBY ORDERED THAT:**

- 25 1. The Motion is hereby GRANTED as set forth herein.
- 26 2. Pursuant to 28 U.S.C. § 1452 and Bankruptcy Rules 9027 and 9006, the deadline to  
27 remove claims or causes of action in a civil proceeding is extended one hundred eighty-five (185)  
28 days from May 23, 2025, through and including November 24, 2025.

1           3.       The Debtor is authorized to take all actions necessary to effectuate the relief granted  
2 in this Order in accordance with the Motion.

3           4.       This Order is without prejudice to (a) any position the Debtor may take on whether  
4 section 362 of the Bankruptcy Code stays any litigation pending against the Debtor, or (b) the  
5 Debtor's right to seek further extensions of the Removal Deadline.

6           5.       The Court shall retain jurisdiction over any and all matters arising from the  
7 interpretation or implementation of this Order.

8  
9                               \*\*\*END OF [PROPOSED] ORDER\*\*\*  
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